

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION
JURY**

TRAN TRINH

Plaintiff

v.

BASIN TREE SERVICE & PEST
CONTROL, INC. AND JOHN ANTHONY
TESTA

§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 5:18-CV-01328

**DEFENDANT BASIN TREE SERVICE & PEST CONTROL, INC.'S NOTICE OF
REMOVAL**

TO THE HONORABLE JUDGE OF SAID COURT:

1. Defendant, BASIN TREE SERVICE & PEST CONTROL, INC., by its undersigned attorney, respectfully shows this Court:

2. On October 2, 2018, Cause No. 2018-CI-19079 was commenced against Defendants in the 166th Judicial District Court of Bexar County, Texas, and is now pending therein.

3. On November 28, 2018, Defendant BASIN TREE SERVICE & PEST CONTROL, INC. was served with Plaintiff's First Amended Original Petition in the above-entitled action.

4. This Court has jurisdiction of the above-entitled action pursuant to diversity jurisdiction, 28 U.S.C. § 1332, and the action may therefore be removed to this Court pursuant to 28 U.S.C. § 1441(b).

5. Plaintiff's Petition asserts damages in excess of \$1,000,000.00. Accordingly, the amount in controversy is in excess of \$75,000.00, exclusive of interest and costs.

6. At the time of the commencement of this action in the 166th Judicial District Court, and since that time, Plaintiff has been a citizen of the State of Texas.

7. At the time of the commencement of this suit and since then, Defendant BASIN TREE SERVICE & PEST CONTROL, INC. was and is now a Washington corporation and Defendant JOHN ANTHONY TESTA was and is now a resident of Arizona. Thus, no Defendant is a citizen of the State of Texas.

8. This notice is filed with this Court within 30 days after service on Defendant of Plaintiff's First Amended Original Petition in the above-entitled action.

9. As required by 28 U.S.C. § 1446(d), a copy of the Notice of Removal is being served on Plaintiff, by and through her attorney of record, and is also being filed with the 166th District Court, Bexar County, Texas.

10. Concurrently with this Notice of Removal, the appropriate Notice of Removal is being filed in state court.

11. Copies of all process, pleadings, and orders filed in this cause, as well as an "Index of Matters Being Filed," are attached hereto in accordance with Local Rules.

WHEREFORE, Defendant prays that the above-entitled action be removed from the 166th Judicial District Court of Bexar County, Texas to this Court.

Respectfully submitted,

DAVIDSON TROILO REAM & GARZA, P.C.
601 N.W. Loop 410, Suite 100
San Antonio, Texas 78216
Telephone: (210) 349-6484
Facsimile: (210) 349-0041

//s// David R. Rangel

DAVID R. RANGEL

State Bar No. 24041749

Federal I.D. No. 875461

drangel@dtgrlaw.com

ATTORNEYS FOR DEFENDANT

BASIN TREE SERVICE & PEST CONTROL, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded to the following counsel pursuant to the Federal Rules of Civil Procedure, on this the 21st day of December, 2018:

Mr. Michael J. Lowenberg

Mr. Andrew D. Kumar

LOWENBERG & KUMAR

7941 Katy Freeway, Suite 306

Houston, Texas 77024

//s// David R. Rangel

DAVID R. RANGEL